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IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

ALONZO AUSTIN, Executor, For  
RUTH H. LEWIS, Estate  
Plaintiff(s)

VS.

CIVIL ACTION NO.  
MODERN WOODMEN OF AMERICA, 3:07-CV-138-MHT-WC  
et al,

Defendant(s)

Motion for Summary Judgement by Plaintiff(s), in  
response to, Motion to Dismiss by Defendant(s)

Plaintiff(s) pursuant to Rule 56 of the Federal Rules  
OF CIVIL Procedure, Moves the Court to enter  
Summary Judgement for the Plaintiff(s)  
on the grounds that there is no genuine issue  
as to any material fact, and the Plaintiff(s),  
is entitled to judgement as a matter of Law.

In Support of this motion, Plaintiff(s) refers  
to the record in this action, including the Complaint,  
the answer to it and Plaintiff(s)' attached affidavit,  
and ~~EXHIBIT A~~ "Letter of Acknowledgement"  
And Exhibit B "Document Evidencing Embezzlement"  
Address: ALONZO AUSTIN, 1321 OLIVER-CARLIS RD, Tuskegee, AL 36083  
Phone # (334) 727-5476

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for  
RUTH H. LEWIS, Estate  
Plaintiff(s)

VS.

MODERN WOODMEN OF AMERICA  
et al,  
Defendant(s)

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

Affidavit in Support of Motion for Summary Judgment

STATE OF ALABAMA } ss.  
COUNTY OF MACON!

ALONZO AUSTIN who, being first duly sworn,  
deposes and says:

1. I am ALONZO AUSTIN, and have personal  
knowledge of the facts set forth.

This Affidavit is submitted in support of the  
Plaintiff(s) Motion for Summary Judgment,  
for the purpose of showing that there is in  
this action no genuine issue as to any  
material fact, and that the Plaintiff(s)  
is entitled to Judgment as a matter of Law.  
As issue is Constitutional in Nature.

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2. THE Defendant(S) (THE MONTGOMERY CITY POLICE DEPARTMENT,) ordered Plaintiff(S), to separate as we were leaving MASON MANOR, Assisted Living Facility on June 10, 1994, we, being MS. RUTH H. LEWIS, and I, after we had negotiated for several weeks with the "STATE OF ALABAMA BOARD OF LICENSURE" Representative, Mr. Guy Nevins, until it became abundantly clear he was stalling and acting in bad faith.

3. Facility was holding MS. Lewis, "against her will" and had been doing so for sometime at least a few months before I was able to locate her. While in the facilities MS. Lewis, would state to me Alonzo, Look I am the only Black person in here please get me out of here. I've got 2 houses, money in the Bank, I receive 2 checks a month, I don't need to be paying to live here when I've got 2 houses & 0 I.?

4. MS. Lewis then started to grow impatient with me, questioning whether I cared for her as she did me. I tried to reassure her that I did, but she'd always say "then get me out here now".

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5. I kept telling her I would as soon as MR. Guy Nevins, with the "BOARD OF Licensure" assist. However that day never came, so after "Mr. Nevins," made himself unavailable I then place the facility, in question on NOTICE that I would use my Valid and Legal Authority, under the Durable General Power of ATTORNEY, to Lawfully remove MS. Lewis, on June 10, 1994. On the day in question, when I came to pick up MS. Lewis, she was as happy as she could be, saying things like "Alonzo, I got to get my suit clean for Church Sunday I know the food is stale in that old refrigerator Alonzo, Can we stop by the store on the way home? and I better not ever see Juanita, with her low down self!!" I replied Ruth, don't worry about that, I have first got to get you out of here!! She then replied what's that mean? I said I'll tell you later, let's go!! She said Alonzo, wait I need to get my BIBLE, She pick it up off the night stand allong with her walking stick and we started for the door as we approached the tension was so thick you could cut it with a knife!!!

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6. A Few Steps From the Side door, North end I made eye contact with the Administrator Just then I heard a firm knock on the door as I was about to reach for the handle And then from the other side of the door A Voice Called out MR. AUSTIN!! Please step outside!! I said I'm coming as I opened the door Two Montgomery Police, Stated in unison Let the Lady Go as I had her by the hand I stated if I turn her loose now she may Fall Down, Ruth, started to pray - saying Jesus please! Please Jesus, our Father help me!!! Once more the officer said Let the Lady Go, For the last time Sir, and please step out side - we just want to talk to you, out side - "Step out NOW!! Look!!" I said Now Sir!! in A louder voice!!! 7. I, reluctantly complied and as I stepped out side the other officer closed the Door behind me and Ordered me off the Premises. Stating You, are not to come back here, you may not be seen in or near the Premises I then asked on what Grounds?!! I have my power hear, When I opened up the Document they both immediately Turned their backs.



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8. And barked this order in a Very Loud, LOUD Menacing manner "GET OFF" the Place Now!! I began to cry like a baby as I walked a way I could hear Ms. Lewis saying where is ALONZO, what are you'll doing to him?!!!! "ALL I want to do is Go home, Let me go Please!!!" The administrator voice was plainly Shaken as she tried to quiet Ms. Lewis.

9. This was the Last time I would ever see the Principal alive. Thanks to the Montgomery Police Department, and MASON Manor, on this day and at that time They joined with all the other state actors "Under the Color of State Law" See Exhibit "A" attached. A Letter From facility acknowledging INVOLVEMENT From the owner, CRIS MASON. In Conclusion.

9. The mental abuse statute applies Section 38-9-8, Code of AL. 1975 in this case the Law enforcement officials who were suppose to be her protectors were actually the "Abusers". Their actions were particularly Painful and Frightening to not just Ms. Lewis, but to the Other residents as well. The actors were Aiding and Abetting as joint tortfeasors "under the color of STATE Law." by preventing Plaintiff(s) From returning to Turkepee,

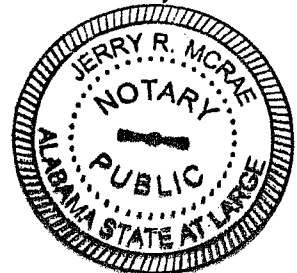
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Where ~~I've~~ Since discovered MS. LEWIS  
Bank account at South trust Bank  
in tuskegee, was closed and reopened  
on 3/4/94 in Juanita K. Upshaw's  
Name. "under the color of STATE LAW"!!!!  
That "Fraudulent Guardian and Conservatorship"  
see Document attached as exhibit ~~B~~ the amount of  
\$ 72, 810.69. Constituting Embezzlement.  
NOTE: ATTORNEY BIGGERS + Nathanson (names at bottom of Document)

by Alonzo Austin, Prose  
Alonzo Austin, Prose

Jerry R. McRae, Notary

Com. Expires 2-28-09



## CERTIFICATE OF SERVICE

I do hereby Certify that I have this day Served a copy of the foregoing document upon

ATTN: Kimberly O. Fehl  
Legal Department

CITY OF Montgomery  
P.O. Box 1111

Montgomery, AL 36101-1111

by depositing same in the UNITED STATES mail with adequate first class postage thereon to ensure delivery.  
This the 4<sup>th</sup> day of April, 2007

Alonzo Austin, On

by ~~Alonzo Austin~~

Alonzo Austin

1321 Oliver-Carlis Rd.

Montgomery, AL 36083

Al, # (334) 727-5476





*Mason Manor*  
Assisted Living Facility for the Senior Citizen

EXHIBIT A  
Exhibit "A"

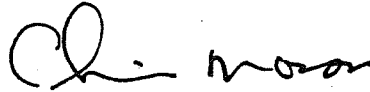
June 15, 1994

Mr. Alonzo Austin  
1321 Oliver-Carlis Road  
Tuskegee, Alabama 36083

Dear Sir:

In response to your letter dated June 12, 1994, Ruth H. Lewis was entered into Mason Manor by Mrs. Upshaw, her aunt. She is not being kept against her will and I told you and Mrs. Upshaw that Mrs. Lewis would have to be moved from Mason Manor by June 30, 1994. Mason Manor does not and will not be involved in a family matter.

Sincerely,

  
Chris Mason  
MASON MANOR

CM/jm

Southtrust Bank AUBURN, AL EXHIBIT B FROM THE FILE

Adm. of estate

Exhibit for Testimony Ruth H. Lewis

ACCOUNT TITLE: <b>JUANITA K UPSEAW CONSERV &amp; COH OF RUTH H LEWIS</b>		BR. <b>005</b>	ACCOUNT NUMBER <b>29 953 181</b>	PROD. CODE <b>200</b>
		TAX I.D. <b>424-24-6993</b>		OFFICER NUMBER <b>027</b>
		FIRST DEPOSIT <b>72810.69</b>	DATE OPENED <b>03/04/94</b>	BANK NO. <b>075</b>
ACCOUNT TYPE <input checked="" type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS	TYPE OF DEPOSITOR <input type="checkbox"/> FIDUCIARY (e.g. EXECUTOR, TRUSTEE, ADMINISTRATOR, GUARDIAN) <input type="checkbox"/> UNINCORPORATED NON-BUSINESS ASSN (e.g. CHURCH, SCHOOL, CHARITABLE ORGANIZATION, ETC.)			
SOURCE OF FUND CODE	WIRE CODE	EMPLOYED BY (FULL NAME OF EMPLOYEE)		
CHECKS WILL BE SIGNED BY ANY _____ OF THE FOLLOWING:		TYPE OR PRINT NAME		
1. <i>Juanita K Upshaw</i>		JUANITA K UPSEAW		
2. _____		_____		
3. _____		_____		
4. _____		_____		
5. _____		_____		
6. _____		_____		
AND COUNTERSIGNED BY ANY _____ OF THE FOLLOWING:		TYPE OR PRINT NAME		
1. _____		_____		
2. _____		_____		
3. _____		_____		
ACCOUNT NUMBER <b>29 953 181</b>		REFERRED BY:		
PHONE # <b>205-724-0839</b>		CITY, STATE, ZIP <b>TUSKEGEE, AL 36087</b>		
LOCAL ADDRESS: <b>P O BOX 275</b>		CITY, STATE, ZIP <b>TUSKEGEE AL 36087</b>		
PRIMARY MAILING ADDRESS <b>BOX 275</b>		CITY, STATE, ZIP <b>TUSKEGEE AL 36087</b>		
<p>The depositor named below hereby agrees to abide by and be bound by the Bank's Rules and Regulations Governing Deposit Accounts and its Schedule of Services and Service Charges, and by all amendments made to either or them from time to time on notice to the depositor. The undersigned acknowledges receipt of a copy of such Rules and Regulations and Schedule of Service Charges as presently in effect. The undersigned confirms that the primary purpose of this account is for personal, family or household purposes, and the undersigned also acknowledges receipt of a copy of the Truth-in-Savings Account Disclosures for this account.</p> <p>Certification.—Under penalties of perjury, I certify that</p> <p>(1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and</p> <p>(2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.</p> <p>Certification Instructions.—You must cross out item (2) above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. For real estate transactions, item (2) does not apply. For mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and generally payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN.</p>				
DEPOSITOR'S NAME <b>JUANITA K. Upshaw Conserv &amp; Coh of Ruth H. Lewis</b>		TITLE <b>Conserv &amp; Coh</b>		

Obtained from AEB - no attachments - opening Linda Peoples

Probate Judge;

ALTONZA Biggers Law Firm

PLEASE COMPLETE THE RESOLUTION ON BACK IF DEPOSITOR IS AN UNINCORPORATED NON-BUSINESS ASSOCIATION.  
MENEFEE, Ar. Story, George Clay (Embezzlement)  
Fred Gray Sr. Law Firm + partner  
(1) (Deborah Biggers Atty.)  
(2) (Allan Mathanson atty.)  
Conspirators under the color of State Law!!

Ms. Linda Peoples  
Mr. Wilson (South Trust)  
George Clay (Embezzlement)